

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:**

Eric J. Benjamin, *et al.*

**Confirmation No.: 7245**

**Application No.: 10/820,215**

**Group Art Unit: 1624**

**Filing Date:** April 7, 2004

**Examiner:** Brenda L. Coleman

**For:** Pharmaceutical Compositions for Intranasal Administration of [2-(8,9-Dioxo-2,6-Diazabicyclo[5.2.0]Non-1(7)-En-2-Yl)Alkyl] Phosphonic Acid and Derivatives and Methods of Use Thereof

MS Appeal Brief - Patent  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF TRANSMITTAL  
PURSUANT TO 37 CFR § 41.37**

Transmitted herewith is the APPEAL BRIEF in this application with respect to the Notice of Appeal received by The United States Patent and Trademark Office on **March 21, 2007**.

- Applicant(s) has previously claimed small entity status under 37 CFR § 41.37 .
- Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:
  - an Independent Inventor
  - a Small Business Concern
  - a Nonprofit Organization.
- Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of \_\_\_\_\_ to and through \_\_\_\_\_ comprising an extension of the shortened statutory period of \_\_\_\_\_ month(s).

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	Fee	RATE	Fee
<input checked="" type="checkbox"/> APPEAL BRIEF FEE	\$250	\$	\$500	\$500
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$60	\$	\$120	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$225	\$	\$450	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$510	\$	\$1020	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$795	\$	\$1590	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1080	\$	\$2160	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$ )	minus	(\$ )
TOTAL FEE DUE		\$0		\$500

- The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050.
- A check in the amount of \$ .00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- Please charge Deposit Account No. 23-3050 in the amount of **\$500.00**.
- The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.

Date: May 21, 2007

/Wendy A. Choi/  
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